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OFFICE OF PETITIONS

In re Application of
Steiner et al.
Application No. 10/668,145
Filed: September 24, 2003
Attorney Docket No. P23913

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: DECISION GRANTING PETITION
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This is a decision on the petition under 37 CFR 1.53, filed April 7, 2004, requesting that the above-identified application be accorded a filing date of September 24, 2003, with pages 20-21 of the specification as part of the original disclosure.

On September 24, 2003, applicants filed the above-identified application. On April 1, 2004, the Office of Initial Patent Examination mailed a Notice of Omitted Item(s) in a Nonprovisional Application, stating that the application had been accorded a filing date of September 24, 2003, and advising applicants that pages 20-21 of the specification appeared to have been omitted.

In response, on April 7, 2004, applicants filed the present petition and a copy of applicants' postcard receipt acknowledging receipt of "Specification: 22 pages (w/abstract)." Additionally, applicants submitted a copy of pages 20-21 of the specification with the present petition.

Upon review of the record, pages 20-21, deposited on September 24, 2003, have not been located among the application papers. However, the evidence is convincing that the application papers deposited on September 24, 2003, included pages 20-21 of the specification, which was subsequently misplaced in the United States Patent and Trademark Office. Therefore, the application, including pages 20-21 of the specification, was complete on filing and will be granted a filing date of September 24, 2003.

Accordingly, the petition is granted. The Notice of Omitted Item(s) in a Nonprovisional Application was sent in error and is hereby vacated. The \$130.00 petition fee will be refunded to Deposit Account No. 19-0089.

The application will be processed with a filing date of September 24, 2003, using pages 20-21 of the specification submitted on petition.

Any inquiries related to this decision should be directed to the undersigned at (703) 306-5589.

Christina Tartera Donnell

Christina Tartera Donnell
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